

September 13, 2019

VIA EMAIL: derek@public-accountability.org

Derek Seidman
Public Accountability Initiative
49 Virginia Place
Buffalo, NY 14202

RE: Right-to-Know Request Tracking Number: **2019-0589 (CO)**

Dear Requester:

On August 7, 2019, the Department of Environmental Protection's (DEP) Open Records Officer received your request and assigned it the tracking number listed above. This letter is DEP's final response to your request under the Pennsylvania Right-to-Know Law, 65 P.S. §§ 67.101-67.3104 (RTKL).

A copy of your request is enclosed and incorporated into this response.

On August 14, 2019, DEP notified you that it required an additional 30 days, until September 13, 2019, to respond to your request.

Your request is granted in part and denied in part. For the portion of your request that is being granted, the responsive records are attached to this final response. There is no charge for these records because they exist in electronic format and are readily transmittable.

Your request is denied in part with respect to certain records that contain personal identification information.

DEP is denying these parts of your request because certain records you seek are exempt from production under Section 708 of the RTKL, 65 P.S. § 67.708. Section 305(a) of the RTKL, 65 P.S. § 67.305(a), provides that records are not presumed to be public records if they are exempt under Section 708. The specific exemption that applies to your request is:

Personal Identification Information

DEP denies your request to the extent it seeks personal identification information. Section 708(b)(17) of the RTKL states that personal identification information is exempt from access by a requester, including, but is not limited to, an employee's "Social Security number, driver's license number, **personal financial information**, home, cellular or personal telephone numbers, personal e-mail addresses, employee number, or other confidential personal identification number." [Emphasis added]; 65 P.S. § 67.708(b)(6)(i)(A). The Commonwealth is enjoined from releasing statements of financial information to the public, including accredited reporters, pursuant to a request made under

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the RTKL, without first redacting personal financial information. *Pennsylvania Soc. Servs. Union, Local 688 of Serv. Employees Int'l Union v. Com.*, 59 A.3d 1136, 1148 (Pa. Commw. Ct. 2012).

Based on the foregoing authority, DEP redacted personal identification information from one hundred fourteen (114) pages of records. The redacted information includes employee personnel numbers; work address information other than the headquarter agency address; work telephone numbers other than the headquarter agency telephone number; and personal financial information of DEP employees. This personal identification information, if disclosed, would constitute an unwarranted intrusion on the privacy of the identified DEP employees and be inconsistent with DEP's policies and practices.

You have a right to appeal this response in writing to the Executive Director, Office of Open Records (OOR), 333 Market Street, 16th Floor, Harrisburg, Pennsylvania 17101. If you choose to file an appeal you must do so within 15 business days of the mailing date of this response and must provide the OOR with (1) your RTKL request, (2) all DEP responses to your RTKL request, and (3) the reasons that you think DEP erred when it responded to your request.

An appeal form is available on the OOR website at <http://www.openrecords.pa.gov/Appeals/HowToFile.cfm>.

Sincerely,

A handwritten signature in cursive script that reads "Sandra Keister".

Sandra Keister
Agency Open Records Officer

Enclosures

cc: RTK CO Legal via email
RTK CO HR via email